

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

MAGTEN ASSET MANAGEMENT CORP.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 05-499-JJF
	)	
MIKE J. HANSON and ERNIE J. KINDT,	)	
	)	
Defendants.	)	

**STATEMENT OF PLAINTIFF PURSUANT TO LOCAL CIVIL RULE 81.2**

Pursuant to the Court's Order dated August 9, 2005, plaintiff Magten Asset Management Corporation ("Magten") respectfully states that there are presently no pending matters requiring judicial action in this case. However, prior to transfer, and after denying both defendants' motion to dismiss for failure to state a claim and defendants' subsequent motion for summary judgment, Judge Cebull of the District of Montana entered a scheduling order incorporating the consensual proposal of the parties for a discovery schedule. This order, dated May 25, 2005 (a copy of which is attached as Exhibit A) provided for discovery to commence immediately and for fact discovery to be completed by January 31, 2006 and expert discovery to be completed by June 30, 2006. Magten served discovery requests both on defendants and numerous third parties pursuant to that schedule.

Incident to the transfer of this case to this District, Judge Cebull issued an order staying the prior schedule before Magten had received any substantive responses to the discovery requests it had served. Accordingly, **Magten requests that the Court reinstitute the discovery schedule set forth in Judge Cebull's May 25 order so that discovery may proceed, and also requests that the Court schedule a status conference at the earliest convenient date.** At this conference, the parties and the Court may also address how best to coordinate proceedings in this

case with the various other matters pending before this Court (and the Bankruptcy Court in this District) arising out of the same underlying disputed transaction.

**BLANK ROME LLP**

/s/ Dale R. Dubé

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Date: August 19, 2005

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that copies of the foregoing **Statement of Plaintiff Pursuant to Local Civil Rule 81.2** were served this 19<sup>th</sup> day of August, 2005 upon the following, in the manner indicated:

**VIA CMF**

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